

**THE BOARD OF COUNTY COMMISSIONERS  
DURHAM, NORTH CAROLINA**

Monday, May 12, 2003

7:00 P.M. Regular Session

**AGENDA**

1. **Opening of Regular Session**-Pledge of Allegiance
2. **Agenda Adjustments**

*Chairman Reckhow announced Comprehensive Open House opportunities for citizen participation in the Long-Range Comprehensive Plan. The dates and locations follow:*

- *May 15 Eno Valley Elementary 5:30-7:30 p.m.*
- *May 20 Southwest Elementary 5:30-7:30 p.m.*
- *May 21 Main Library 3:00-5:00 p.m.*
- *May 22 Southern High School 5:30-7:30 p.m.*

*Chairman Reckhow announced a meeting with the BOCC and the Durham County legislative delegation on May 19 at 8:00 p.m.*

*Commissioner Jacobs added an item, to become No. 9, to address the proposed Senate Bill 672.*

3. **Minutes**

- a. February 3, 2003 Worksession Minutes
- b. February 10, 2003 Regular Session Minutes
- c. April 28, 2003 Regular Session Minutes
- d. February 24, 2003 Regular Session Minutes
- e. April 28, 2003 BOCC/DPS Board of Education Meeting Minutes

*Commissioner Heron moved, seconded by Commissioner Jacobs, to approve the Minutes of the February 3, 2003 Worksession with one change, and the February 10, 2003 Regular Session, April 28, 2003 Regular Session, February 24, 2003 Regular Session, and April 28, 2003 BOCC/DPS Board of Education as submitted.*

*The motion carried unanimously.*

4. **Proclamation for "Durham Government Employee Wellness Day"**

On Thursday, May 15, 2003, local government employees are asked to participate in a Wellness Booster Event. The event will include exercise samplers, nutrition samplers, educational materials, and door prizes. The activity is sponsored by the Durham County Wellness Team and is designed to encourage employees to develop and maintain good health habits. A proclamation has been prepared to recognize the event.

Resource Person(s): Tracy Bates, Durham Public Health

County Manager's Recommendation: The County Manager recommends that the resolution be presented to Tracy Bates and members of the Durham County Wellness Team.

***The resolution was read into the public record. Ms. Tracy Bates of Durham Public Health, received***

***the resolution and comments from the Commissioners.***

**5. FY 2003-2004 Recommended Budget**

Durham County Manager Michael M. Ruffin will formally present the recommended budget for FY 2003-2004 to the Board of County Commissioners. This is in accordance with N.C.G.S. 159-12(b), the Local Government and Fiscal Control Act.

Resource Person(s): Michael M. Ruffin

County Manager's Recommendation: The County Manager recommends that the Board receive his presentation.

***County Manager Mike Ruffin read his recommendation into the public record.***

***Chairman Reckhow commented that this is the earliest the budget recommendation has been made in ten years. She thanked the County Manager for his efforts and for following the Commissioners' guidelines.***

**6. Consent Agenda**

- a. Budget Ordinance Amendment No. 03BCC000059-Mental Health (approve this budget amendment to appropriate funds in the amount of \$1,673,632);
- b. Budget Ordinance Amendment No. 03BCC000062-Little River Community Complex (approve to appropriate funds in the amount of \$12,500 to the Little River Community Complex from the Commissioners' contingency account);
- c. Timer Warner Cable's Rate Filing for Calendar Year 2003 (receive the report and approve the rate order);
- d. Request to Accept the Withdrawal of the Low Bidder, Retain the Bid Bond, and Approve a Contract for the River of Life Church Building Demolition on East Main Street to the Second Lowest Bidder (Project No: DC070-48; IFB 03-010) (retain the 5 percent bid bond of \$2,557.75 submitted by D.L. Restorations Inc., and authorize the County Manager to enter into an \$86,780 contract with Empire Dismantlement Corporation and execute any change orders or related contracts, if necessary, not to exceed a project cost of \$95,458);
- e. Set Public Hearing to Receive Comments on the 2003 Three-Year Revision to the County's Ten-Year Solid Waste Management Plan (schedule a public hearing for June 9, 2003, to receive comments on the proposed 2003 three-year revision to the Durham County Comprehensive Solid Waste Management Plan.
- f. Renewal of Workforce Investment Act Interlocal Agreement (approve the interlocal agreement); and
- g. Service Agreement with the Durham Arts Council Inc. for Administrative Support for the Durham County Cultural Master Plan (approve the service contract with the Durham Arts Council to provide local administrative support to the Durham Cultural Master Plan).

***Commissioner Heron moved, seconded by Commissioner Cousin, to approve Consent Agenda items 6(a), (d), (e), (f), and (g).***

***The motion carried unanimously.***

***Consent Agenda items 6(b) and 6(c) were pulled for discussion. Following discussion, the following motions were made.***

***Commissioner Heron moved, seconded by Commissioner Jacobs, to approve Consent Agenda item 6(b).***

***The motion carried unanimously.***

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***Commissioner Jacobs moved, seconded by Commissioner Heron, to approve Consent Agenda item 6(c).***

***The motion carried unanimously.***

7. **Public Hearing-Colvard Farms, Applicant (Rezoning Case P02-79)**

Colvard Farms will present to the Board of County Commissioners a request to rezone 164.26 acres outside of the UGA on the west side of NC 751 at the intersection with Fayetteville Road, extending towards the Chatham County line; PIN 0717-03-24-9770, -44-1076, -33-9131; 0717-04-52-4278. Request: RD (Rural District) to PDR 0.22 (Planned Density Residential-0.22 units/acre). Staff recommends approval citing conformance with the adopted Triangle Township Small Area Plan and compatibility with the surrounding area. The Zoning Committee of the Durham Planning Commission conducted a public hearing on April 8, 2003 and voted 6-0 to recommend approval.

The public hearing for this request was advertised on April 25 and May 2, 2003 in the Durham Herald-Sun.

Resource Person(s): Frank Duke, Planning Director

County Manager's Recommendation: The Manager's recommendation is that the Board hold the public hearing and approve the rezoning, if appropriate, based upon the public hearing.

***Mr. Duke presented the item.***

***Chairman Reckhow opened the public hearing, which was properly advertised. There were two persons signed to speak:***

***Dr. Lavonia Allison, PO Box 428, Durham, representing the Durham Committee for the Affairs of Black People, praised the proposal for its lack of impact on traffic and school capacity.***

***Ms. Liz Pullman, 1114 Scott King Road, Durham, praised the rezoning request for its positive impact on the area's bird and animal population. These would not be disturbed, plus it would provide unaltered habitat for animals displaced by housing in the north of the county.***

***There being no other speakers, Chairman Reckhow closed the Public Hearing to receive Commissioner comment. No comment was added. The following motion was made:***

***Commissioner Cousin moved, seconded by Commissioner Heron, to approve the rezoning request P02-79.***

***The motion carried unanimously.***

8. **Adoption of the FY 2003-2004 Consolidated Action Plan**

The adopted Citizen Participation Plan requires that two public hearings be held prior to Consolidated Action Plan submission to the Department of Housing and Urban Development (HUD). The purpose of the first public hearing, held on February 24, 2003, was to receive comments pertaining to HOME program needs in Durham. The purpose of the second public hearing, held April 28, 2003, was to receive comments on the use of FY 2003-2004 HOME funds as proposed in the Draft Consolidated Action Plan which was made available for public review March 20, 2003 through April 20, 2003.

The Durham City-County HOME Consortium anticipates receiving total HOME Investment Partnership (HOME) program funds in the amount of \$1,456,000. This amount includes an annual HOME allocation of \$1,306,000 and program income in the amount of \$150,000. FY 2003-2004 HOME funds include a Community Housing Development Organization (CHDO) set-aside, substantial homeowner rehabilitation activities for low-income city and county residents, a First-Time Homebuyers Program for city and county residents, rehabilitation/historic preservation activities (Historic Preservation Society of Durham), and Walltown housing development (Self-Help Credit Union). The Durham City-County HOME Consortium will be required to provide a 25-percent match (non-federal funds) to the total amount of HOME funds used directly for affordable housing activities during FY 2003-2004. The required match will be approximately \$300,000 and will be funded with City Housing Bonds and available County funds as outlined in the current Consortium Agreement.

Charlene Montford, Director of the City of Durham Department of Housing and Community Development, has reviewed this request and recommends that the Board of County Commissioners adopt the FY 2003-2004 Consolidated Action Plan.

Resource Person(s): Michael Pullum, Senior Planner, Department of Housing & Community Development, City of Durham

County Manager's Recommendation: The Manager's recommendation is that the Board adopt the FY 2003-2004 Consolidated Action Plan.

***Mr. Michael Pullum presented the item.***

***The Commissioners asked various questions of Mr. Pullum and Mr. Brian Letourneau, Public Health Director, to which they responded.***

***Chairman Reckhow opened the public hearing, which was properly advertised. There was one person signed to speak.***

***Dr. Lavonia Allison, PO Box 428, representing the Committee for the Affairs of Black People, expressed her concern that it was unknown what impact these public hearings have on the development of the Consolidated Action Plan.***

***Mr. Pullum advised that the comments made at those public hearings are found in the final document.***

***There being no other persons signed to speak, Chairman Reckhow closed the public hearing and returned the item for Commissioner comment.***

***Commissioner Jacobs praised the Department of Housing & Community Development for spending only 7.4% of funds for administrative costs, when the amount allowed is 10%.***

***The following motion was made:***

***Commissioner Jacobs moved, seconded by Commissioner Heron, to approve the FY 2003-2004 Consolidated Action Plan.***

***The motion carried unanimously.***

**Agenda Item Added-Senate Bill 672**

***Commissioner Jacobs added the agenda item.***

***Brian Letourneau, Public Health Director, presented information for this agenda item. Senate Bill 672, intended to strengthen the public health infrastructure, would instead dissolve the local***

*health department. It would ignore streets, neighborhoods, and community. It would be detrimental to Durham County. He urged its opposition.*

*Commissioner Jacobs moved, seconded by Commissioner Cousin, that a letter be drafted to be sent in opposition to this senate bill as it appears to be detrimental to Durham County.*

*The motion carried unanimously.*

**THERE BEING NO FURTHER BUSINESS, THE MEETING WAS ADJOURNED AT 8:50 P.M.**



**Last updated: May 3, 2006**

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